

DEVELOPMENT REVIEW COMMITTEE

Tuesday, March 27, 2012

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, March 27, 2012**, beginning at 1:07 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL by Gail Creech

DRC MEMBERS

Townsley Schwab, Senior Director of Planning and Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present
Mitch Harvey, Comprehensive Plan Manager	Present

STAFF

Mayte Santamaria, Assistant Planning Director	Present
Rey Ortiz, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES FOR APPROVAL

Townsley Schwab approved the minutes from the February 28, 2012 meeting.

MEETING

NEW ITEM:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 130-82, INDUSTRIAL DISTRICT, 130-164, MAXIMUM NONRESIDENTIAL LAND USE INTENSITIES AND DISTRICT OPEN SPACE, AND 138-50, TYPE OF DEVELOPMENT NOT AFFECTED, TO ALLOW COMMERCIAL RETAIL/SERVICE FACILITY AND INSTITUTIONAL USES IN THE INDUSTRIAL LAND USE (ZONING) DISTRICT; TO ESTABLISH MAXIMUM FLOOR AREA RATIOS FOR COMMERCIAL RETAIL/SERVICE FACILITY AND INSTITUTIONAL USES IN THE INDUSTRIAL LAND USE (ZONING) DISTRICT; TO EXEMPT COMMERCIAL RETAIL/SERVICE FACILITY AND INSTITUTIONAL USES IN THE INDUSTRIAL LAND USE (ZONING) DISTRICT FROM THE NONRESIDENTIAL RATE OF GROWTH ORDINANCE (NROGO) PERMIT ALLOCATION SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE

LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CONDIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Haberman reported that this ordinance is a significant change in terms of uses that would be allowed in the industrial district. Staff did not feel that draft information submitted by the applicant was adequate to explain the impacts.

Owen Trepanier and Jim Hendrick were present on behalf of the applicant. Mr. Trepanier explained that neither the code, state statute, nor the comprehensive plan calls for a traffic study to be done. A traffic analysis using the maximum development potential of any one use is a totally unrealistic number. Mr. Hendrick added that the suggestion to analyze the development potential of the site based on the assumption that the borrow pits will be filled in was absurd. Mr. Haberman stated that issue has been resolved as far as what numbers will be used in the staff report. Mr. Haberman clarified that the County never required a traffic study, but only asked for it in working towards a joint recommendation. Ms. Santamaria added that, similar to a comprehensive plan amendment, if a new use is added or there is a change in the FAR standards, the County looks to ensure they can still meet concurrency level of service for whatever new use and new potential development could be allowed.

Mr. Hendrick repeated that when there is a project-specific application is the time for a meaningful traffic study. Mr. Schwab agreed that a specific traffic study will take place as this project moves forward, but the County has the prerogative to do their own evaluation to address some issues and concerns.

Mr. Trepanier requested that the applicant's traffic study submitted be withdrawn. Mr. Haberman informed the applicant's representatives that the County is continuing to work on a traffic study of their own. Mr. Hendrick offered to submit the applicant's surveys that measure the submerged land on the property.

Mr. Haberman then discussed the smaller issues to be fixed on the proposal. The applicant's representatives removed the service facilities from the proposal. Mr. Haberman suggested adjusting the definition of "light industrial" to clearly include animal shelters. Mr. Trepanier added that it was also important for the applicant to get the ability to have more than 10,000 square feet. Mr. Haberman explained that that is a separate issue to deal with at a later point. The NROGO issue is a separate issue also. The site is capped at getting NROGO to exceed 10,000 square feet. Because the animal shelter gets their funding from the County, they might possibly be classified as a public facility, but that would take an interpretation by the Director of Planning. That would exempt and allow them to build without NROGO. Density at that site might be a problem. There is also an exemption available to non-profits on Tier III land.

Mr. Haberman then suggested the applicant expand the application to tweak the purpose of the industrial district to clearly allow commercial where appropriate as well. Mr. Hendrick agreed to submit proposed language for that purpose.

The next suggestion made by Mr. Haberman was to either get rid of the minimum cap of 10,000 and have all commercial retail allowed with the minor conditional use or expand the application

to allow as of right industrial zoning to allow commercial retail of up to 10,000. Mr. Haberman pointed out that Roman Numeral III is used when referring to tiers throughout the code.

Mr. Haberman pointed out that institutional uses are allowed as of right and do not need to be included in a minor conditional use. Mr. Haberman then suggested using the defined term within the LDC of "Lower Keys ROGO sub-area" because it splits out Big Pine and No Name Keys.

Mr. Haberman asked why the applicant would have their highest FAR for high intensity in a district name industrial and not in urban commercial. Mr. Trepanier explained that it has to do more with the nature of the commercial activity that would be allowed in terms of the size and the intensity. Mr. Haberman suggested using .35 FAR to match UC so that staff can argue that this is as intense. Mr. Haberman pointed out that the traffic study mentioned rooms, which would require a comprehensive plan change. Mr. Haberman added that the Navy did inquire into what this proposal was about, but have not said anything negative or positive on this application.

Mr. Haberman discussed the possibility of putting 400,000 square feet of commercial on line could change the residential/commercial ratio. Mr. Haberman then pointed out that there is a comp plan policy that states what is exempt from NROGO, and it would not be consistent with this policy to exempt commercial retail. Mr. Trepanier does not believe what the applicant is proposing is inconsistent with the policy. There was discussion of the history involved in drafting that policy. Ms. Santamaria clarified that staff has to look at the existing adopted standards and existing policies and base their recommendations on consistency with the plan, with the statute, and the principles of guiding development.

Mr. Trepanier asked staff to clarify what is meant in terms of utility impact. Ms. Santamaria responded that the County has to assure the level of service is achieved and maintained, and they do that by looking at all the public facilities and services. Mr. Trepanier then questioned the language in the staff report that the application includes allowing institutional uses in all industrial districts. Mr. Haberman explained that the applicant's language for institutional uses was not specific enough, that there are eight industrial districts throughout the Keys. Mr. Hendrick assured Mr. Haberman that the applicant will be approached about removing the institutional language from the application.

Mr. Trepanier discussed why he believes an applicant is more successful when they are not authoring the changes recommended by staff, but instead the applicant provides to the Planning Commission what it is that they want to do. Mr. Haberman pointed out that staff gives suggestions and the applicant does not have to abide by what staff suggests.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 2:09 p.m.